

REMARKS

Telephonic inquiry

Applicants thank the Examiner for the telephonic conference of September 30, 2009, wherein the rejection under §112, ¶2 was discussed.

Claims

Claims 79–83, 85–117 and 122–129 are currently under examination.

Claims 1–78, 84 and 118–121 are cancelled without prejudice or disclaimer.

Claim Amendments

The claims are now limited to recombinant recognition molecules. See claims 87, 88, 95 and 96.

Claims 80 and 90 have been amended to recite recognition molecules having the recited sequences. See, paragraphs [0055] to [0057] of the published US application for support.

Claims 93, 103, 109 and 111 have been amended to delete embodiments directed to the tumor preventive end uses of the claimed recognition molecules. Claims 94, 107, 110 and 112 have been amended to delete embodiments directed to tumor predictive end uses of the claimed recognition molecules. Applicants' amendment of the claims is not to be construed with acquiescence to any ground of rejection.

It is respectfully submitted that the amendments presented herein comply with 37 CFR § 1.116. Entry thereof is earnestly solicited.

Applicants respectfully submit that the amendments presented herein do not raise new matter.

Rejection under §112, ¶2

The Office Action at page 4 alleges that “a combination of SEQ ID NO: 33 and SEQ ID NO: 35,” as recited in claims 80 and 90 is unclear. Applicants thank the Examiner for suggesting an acceptable claim language. Applicants have amended the claims as per the Examiner's suggestion. Accordingly, the foregoing amendments render the rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection under §112, ¶1 (new matter)

Claims 75–83, 85–117 and 122–129 are rejected under this section for allegedly reciting new

matter. It is alleged that claims directed to synthetic recognition molecules raise new matter issues. Applicants respectfully disagree with this allegation. However, purely in order to facilitate prosecution, the claims have been amended. The foregoing amendments render this rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection under §112, ¶1

The rejection of claims 85, 86, 93, 94, 104-107 and 109-112 under 35 U.S.C. §112, first paragraph as allegedly lacking enablement is respectfully traversed.

Applicants respectfully disagree with the Examiner's contention that the tumor preventive and tumor predictive end uses of the claimed recognition molecules, or constructs thereof are non-enabled. However, in order to facilitate prosecution, the claims have been amended to delete such aspects. No agreement is to be implied. Accordingly, the rejection is rendered moot in view of the foregoing amendments. Withdrawal of the rejection is respectfully requested.

In view of the above remarks, it is submitted that this application is in condition for allowance. If there are any remaining issues which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

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